

REMARKS

We note with appreciation the Examiner's apparent withdrawal of the rejection under 35 USC 101, and the rejection under 35 USC 103 over the Hoffman reference. Confirmation of the withdrawal of all of the prior rejections is respectfully requested.

Claims 1-29 have been cancelled and new Claims 30-58 have been added to clarify that the claimed invention involves reallocating a portion of a transaction amount in a transaction between a user and a vendor to an investment for the user. This aspect of the invention was part of the subject matter of the claims as originally filed. No narrowing amendment has been made and no new matter has been added.

We respectfully submit that solicited Claim 1-29 are not anticipated by U.S. Patent No. 6,216,115 to Barrameda et al. The Barrameda reference discloses an integrated credit card data processing system for processing transactions as either a payment or as a receipt of payment. It is a combination of data processing for consumer purchases of goods and services and a merchant processing system that allows acceptance of such payments. The second part of the Barrameda system is a method to execute an order on the manner of disposition of the proceeds of sale, such as investment into a plurality of investment accounts.

This is discussed in Col. 9, line 33 to Col. 10, line 3 in regard to Figure 3. As discussed therein, a purchase transaction system is merged with a sales transaction system to create combined consumer merchant system 380. Incoming funds (proceeds of sales) and outflow of funds (purchases) are recorded. Afterwards, the combined proceeds of sales may be reallocated to an investment vehicle. The account holder may offset the debits (for purchases) against credits (for sales) and transfer any excess credits to an investment account.

This is not the claimed invention.

In sharp contrast to Barrameda, the claimed invention involves electronically receiving at least a portion reallocated from the transaction amount from the vendor to a user account; and then placing the portion reallocated from the transaction amount in a user investment vehicle for the user.

This does not occur in Barrameda. In Barrameda, for example, a portion of the transaction amount is never reallocated from the vendor to a user account, and then placed in a user investment vehicle for the user. Instead, the total of the amounts received for sales made by the account holder are offset by purchases made by the account holder, and any excess amount from this offset may be transferred to an investment account.

In Barameda, there is no reallocation of a portion of a transaction amount from the vendor to a user account, which is then placed in an investment vehicle for the user – instead there is only the transfer of the excess from all of the transactions received into the account holder's consumer / merchant account (after offsetting debits and credits) to the account holder's investment account. Accordingly, we respectfully request that the rejection under 35 USC 103 be withdrawn.

For the reasons set forth above, we respectfully submit that the solicited claims are now in proper condition for prompt allowance, which action is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Frank A. Cona', with a stylized, flowing script.

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